1615

Patent
Case No.: 56240US003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	ANDERSON, MARK T.		
Application No.:	09/920,689	Group Art Unit:	1615
Filed:	August 2, 2001	Examiner:	C. Azpuru
Title:	CONTROLLED RELEASE PARTICLES		

T. TUCK #5 10/30/02

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:
OCTOBER 07 2002 Kathleen M. Murray
Date Signed by: Kathleen M. Murray

Dear Sir:

This response is to the Office Action mailed September 27, 2002.

Remarks

Claims 1-108 have been restricted under 35 USC § 121 as follows:

I. Claims 1-41, and 85-92 are said to be drawn to a particle, classified in class 424, subclass 489+;

II. Claim 42 is said to be drawn to a powder, classified in class 424, subclass 401+;

III. Claim 43 is said to be drawn to a film, classified in class 424, subclass 401+.

IV. Claims 44-45 are said to be drawn to an article, classified in class 424, subclass 464+, and further subject to an election of species with claim 44 being generic.

V. Claims 46-53 and 93 are said to be drawn to an article, classified in class 424, subclass 45+.

VI. Claims 54-71, 95-101, and 105-108 are said to be drawn to a method of contacting or treating, classified in class 424, subclass 403+.

VII. Claims 72-84 and 102-104 are said to be drawn to a method of making, classified in class 264, subclass 4+.

Applicants hereby elects Group I (i.e., claims 1-41 and 85-92), with traverse, and respectfully requests reconsideration and withdrawal or modification of the restriction.

Applicants respectfully traverse the above restriction requirement since the claims of Groups I-VI fall within the same class and the claims of Groups II and III fall within the same class and subclass. Were restriction to be effected between the claims of these groups, a separate examination of the claims of these groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-VI would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I-VI, it would place an undue burden on Applicants' assignee by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

Respectfully submitted,

7 October, 2002
Date

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